

AMENDED IN ASSEMBLY MAY 16, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2053

Introduced by Assembly Member Wesson
*(Coauthors: Assembly Members Alquist, Cardenas, Kuehl,
Romero, and Washington)*

February 22, 2000

An act to amend Section 417.2 of the Penal Code, relating to imitation firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2053, as amended, Wesson. Imitation firearms.

Under existing law, any person who, *except as specified*, sells, manufactures, ships, transports, distributes, or receives an imitation firearm, as defined, is liable for a civil fine of not more than \$10,000 for each violation. Existing law also describes certain devices, among which is a firearm containing markings provided in a specified provision of federal law, that are not included in the definition of "imitation firearm."

This bill instead would ~~increase the fine to \$20,00 and provide that in order to be a violation, the transportaton of the imitation firearm would have to be for commercial purposes.~~ The bill would also narrow the range of permitted markings.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 417.2 of the Penal Code is
2 amended to read:

3 417.2. (a) Commencing January 1, 1989, any person
4 who purchases, sells, manufactures, ships, transports *for*
5 *commercial purposes*, distributes, or receives, by mail
6 order or in any other manner, an imitation firearm ~~in~~
7 ~~violation of~~ *except as permitted by* this section shall be
8 liable for a civil fine in an action brought by the city
9 attorney of the city or the district attorney of the county
10 of not more than ~~twenty~~ *ten* thousand dollars ~~—(\$20,000)~~
11 *(\$10,000)* for each violation.

12 (b) The manufacture, purchase, sale, shipping,
13 transport, distribution, or receipt, by mail or in any other
14 manner, of imitation firearms is permitted if the device
15 is manufactured, purchased, sold, shipped, transported,
16 distributed, or received for any of the following purposes:

17 (1) Solely for export in interstate or foreign
18 commerce.

19 (2) Solely for lawful use in theatrical productions,
20 including motion picture, television, and stage
21 productions.

22 (3) For use in a certified or regulated athletic event or
23 competition.

24 (4) For use in military or civil defense activities.

25 (5) For public displays authorized by public or private
26 schools.

27 (c) As used in this section, “imitation firearm” means
28 a replica of a firearm that is so substantially similar in
29 physical properties to an existing firearm as to lead a
30 reasonable person to conclude that the replica is a
31 firearm.

32 (d) As used in this section, “imitation firearm” does
33 not include any of the following:

34 (1) A nonfiring collector’s replica of an antique
35 firearm that was designed prior to 1898, is historically
36 significant, and is offered for sale in conjunction with a
37 wall plaque or presentation case.



1 (2) A nonfiring collector's replica of a firearm that was
2 designed after 1898, is historically significant, was issued
3 as a commemorative by a nonprofit organization, and is
4 offered for sale in conjunction with a wall plaque or
5 presentation case.

6 (3) A device, as defined in subdivision (g) of Section
7 12001.

8 (4) A firearm that contains, or has affixed to it, a
9 marking approved by the Secretary of Commerce, as
10 provided in subsections (c) and (d) of Section 1150.3 of
11 Title 15 of the Code of Federal Regulations as in effect on
12 January 1, 2000.

13 (5) An instrument that expels a metallic projectile,
14 such as a BB or pellet, through the force of air pressure,
15 CO₂ pressure, or spring action, or a spot marker gun.

